IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

Bail Appl..No. 6850 of 2006()

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CRIME NO. 337/2006 OF CHAVARA THEKKUMBHAGAM POLICE STATION

PETITIONERS/ACCUSED

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1. JOSE, S/O.ALOSIOUS,
   PARASSERIL, KOIVILA, THEVALAKKARA VILLAGE,
   KARUNAGAPPALLY TALUK, KOLLAM.

2. BABU, S/O.ANTO,
   UPPASSERIL THEKKATHIL, KOIVILA,
   THEVALAKKARA VILLAGE, KARUNAGAPPALLY TALUK,
   KOLLAM.

BY ADV. SRI.R.PARAMESWARAN NAIR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. BABY JOHN, NASRATH HOUSE,
   KOIVILA, THEVALAKKARA VILLAGE,
   KARUNAGAPPALLY TALUK, KOLLAM.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V. RAMKUMAR, J.**

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**B.A. NO. 6850 of 2006**

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**Dated, this the 23rd day of November 2006**

**ORDER**

Petitioners who are accused Nos. 1 and 2 in Crime No. 337/2006 of Chavara Thekkumbhagam Police Station for offences punishable under sections 323, 324, 326 read with Sec. 34 of I.P.C., seek anticipatory bail.

2. The occurrence is alleged to have taken place on 18-10-2006 during which the first accused wielding a firewood and the 2nd accused with a sword attacked the defacto complainant causing injuries including two fractures.

3. The learned Public Prosecutor opposed the application.

4. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioners should surrender before the Magistrate and seek regular bail. Accordingly, if the petitioners surrender before the Magistrate and file an application for regular bail, the same shall be considered and disposed of, preferably, on the same date on which it is filed.

With the above observation, this application is dismissed.

**Sd/-V. RAMKUMAR,**
**(JUDGE)**

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